

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JIMMIE JR COLE

PLAINTIFF

v.

Civil No. 4:18-cv-04076

SERGEANT REYNOLDS; JOHN
DOES 1-3, Texarkana Arkansas
Police Department; and CHIEF OF
POLICE ROBERT H. HARRISON

DEFENDANTS

ORDER

Plaintiff Jimmie JR Cole filed this case *pro se* pursuant to 42 U.S.C. § 1983 on May 8, 2018, naming Sergeant Reynolds as one of the defendants. (ECF No. 1). Before the Court is Plaintiff's Motion for Default Judgment as to Sergeant Reynolds. (ECF No. 22).

On May 9, 2018, the Court directed service of summons on Defendant Sergeant Reynolds at the Lasalle Bi-State Jail, 100 N. State Line Ave, Texarkana, Arkansas 71854. (ECF No. 9). On May 18, 2018, the summons was accepted and signed on behalf of Defendant Sergeant Reynolds. (ECF No. 11). Defendant Reynolds was directed to file an answer to the complaint on or before June 8, 2018. Defendant Reynolds did not file an answer to the complaint. On August 2, 2018, the Court entered an Order directing Defendant Reynolds to show cause by August 22, 2018, as to why he failed to answer or otherwise defend this lawsuit. (ECF No. 21).

Plaintiff filed the instant motion on August 28, 2018, asking the Court to enter "judgment in default...for, due amount, plus interest...and...determine the amount of damages." (ECF No. 22, p. 2). On September 27, 2017, counsel for Defendant Reynolds filed a response to the order to show cause stating the summons and Complaint, although served on Defendant Reynolds, was not forwarded to counsel and therefore they were unaware that Reynolds had been served. (ECF

No. 28). Counsel for Defendant Reynolds requests that the Court accept the Answer (ECF No. 29) filed on behalf of Defendant Reynolds on September 27, 2018, based on excusable neglect.

This Court is afforded great leeway in granting or refusing enlargement of time under Federal Rule of Civil Procedure 6. This case is still in the early stages and no party will be prejudiced by permitting Defendant Reynolds to file his answer out of time. In addition, the Court finds Defendant Reynolds failure to file a timely answer was based on excusable neglect.

Accordingly, Plaintiff's Motion for Default Judgment (ECF No. 22) is **DENIED**. Defendant Reynolds' answer (ECF No. 29) filed out of time is accepted.

IT IS SO ORDERED this 28th day of September 2018.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE